

## REMARKS

The rejections under 35 U.S.C. § 102(b) of Claims 1-6 and 14-16 as anticipated by U.S. 5,723,252 (Patel et al); and under 35 U.S.C. § 103(a) of Claim 7 as unpatentable over Patel et al in view of U.S. 5,965,316 (Kmiecik-Lawrynowicz et al), and further in view of U.S. 4,997,739 (Tomono et al); and of Claim 10 as unpatentable over Patel et al in view of U.S. 5,576,393 (Yamashita et al), are respectfully traversed.

As recited in currently amended Claim 1, the present invention is a process for producing a toner for developing electrostatic image comprising an agglomerate step wherein a dispersion liquid containing at least primary polymer particles and colorant particles is stirred in a stirring tank to agglomerate the particles to thereby obtain agglomerate of the particles as an agglomerate liquid and an aging step wherein the resultant agglomerate of the particles is kept at a temperature higher than the glass transition temperature of the primary polymer particles by 10° C or more for a predetermined period of time to thereby fuse the particles, wherein the concentration of solid content C1 in the agglomerate step is 10 to 40% by weight, and the concentration of the solid content C2 in the aging step is in the range of  $0.3C1 \leq C2 \leq 0.8C1$ , and wherein a surfactant is added or the pH value of the agglomerate liquid is raised before subjecting the liquid to the aging step.

Patel et al discloses a process for preparing a toner, which comprises seven steps, as disclosed therein. The Examiner has performed calculations based on Example II therein in an attempt to show that this example, as well as other examples, inherently meet the terms of at least the claims rejected under 35 U.S.C. § 102(b).

In reply, as indicated above, Claim 1 (and claims dependent or ultimately dependent thereon) now require that either a surfactant is added to, or the pH value raised of, the agglomerate liquid prior to subjecting the liquid to the aging step. This step is neither

disclosed nor suggested by Patel et al. Nor does any of Kmiecik-Lawrynowicz et al, Tomono et al, or Yamashita et al disclose or suggest such a step.

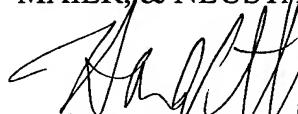
For all the above reasons, it is respectfully requested that the rejections over prior art be withdrawn.

Applicants respectfully call the Examiner's attention to the Information Disclosure Statement (IDS) filed April 8, 2003. The Examiner is respectfully requested to initial the Form PTO-1449 submitted therewith, and include a copy thereof with the next Office communication.

Applicants gratefully acknowledge the Examiner's indication of allowability of Claims 8, 9 and 11-13. Claim 8 has been amended into independent form, even though its scope is somewhat different from original Claim 8, as explained above. Claim 9 continues to depend on Claim 8. Claims 11-13 are now in independent form. Nevertheless, Applicants respectfully submit that all of the presently-pending claims in this application are now in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER, & NEUSTADT, P.C.



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Docket No. 219175US0

IN RE APPLICATION OF: Yuqing XU, et al.

SERIAL NO: 10/066,614

FILED: February 6, 2002

FOR: PROCESS FOR PRODUCING TONER FOR DEVELOPING ELECTROSTATIC IMAGE



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COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:  
Transmitted herewith is an Amendment in the above-identified application.

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- No additional fee is required
- Small entity status of this application under 37 C.F.R. §1.9 and §1.27 is claimed.
- Additional documents filed herewith:

The Fee has been calculated as shown below:

CLAIMS	CLAIMS REMAINING		HIGHEST NUMBER PREVIOUSLY PAID	NO. EXTRA CLAIMS	RATE	CALCULATIONS
TOTAL	16	MINUS	20	0	x \$18 =	\$0.00
INDEPENDENT	5	MINUS	3	2	x \$84 =	\$168.00
		<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS			+ \$280 =	\$0.00
						TOTAL OF ABOVE CALCULATIONS \$168.00
		<input type="checkbox"/> Reduction by 50% for filing by Small Entity				\$0.00
		<input type="checkbox"/> Recordation of Assignment			+ \$40 =	\$0.00
						TOTAL \$168.00

- A check in the amount of \$168.00 is attached.
- Please charge any additional Fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.
- If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

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